

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY
Mitchell H. Cohen U.S. Courthouse
P.O. Box 2067
CAMDEN, NEW JERSEY 08101

JUDITH H. WIZMUR
Chief, U.S. Bankruptcy Judge

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November 14, 2005

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Re: Lynette Allyson Silva
Case No. 05-34846/JHW
LETTER OPINION

Dear Counsel:

At issue is the objection by debtor to the claim of Washington Mutual Bank. In particular, the debtor contends that prior bankruptcy fees and costs of \$2,750 may not be assessed against the debtor, because those fees were not formally approved in previous cases. Washington Mutual Bank has voluntarily reduced its fee to \$2,250, but asserts entitlement to that fee as a part of the proof of claim filed.

Prior to this filing on August 3, 2005, the debtor has filed three unsuccessful Chapter 13 cases, in 2002, 2003 and earlier in 2005. In these cases, three motions to vacate stay were filed by Washington Mutual Bank, and a certification of default requiring a court appearance was also filed.

As I indicated in court, fees incurred by a mortgage company in unsuccessful Chapter 13 cases may be added to the secured claim of the mortgage company, which is filed in a subsequent case, even if those fees were not specifically authorized in the previous cases. The fees may be challenged by the debtor to assess reasonableness.

I have reviewed the circumstances, and conclude that a fee of \$2,175 may be designated as bankruptcy fees and costs in connection with the proof of

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BY: Terry O'Brien

claim filed by Washington Mutual Bank in this case. I reach that number as follows:

(3) motions for relief from the stay -	\$ 750
(3) filing fees (1 at \$75 and 2 at \$150) -	\$ 375
(1) certification of default and appearance in court -	\$ 250
(4) proofs of claim and review of case @ \$200 each -	\$ 800
 Total -	 \$2,175

I request debtor's counsel to submit an order resolving the debtor's objection to claim in conformance with this Letter Opinion.

Very truly yours,



JUDITH H. WIZMUR
CHIEF U.S. BANKRUPTCY JUDGE

JHW:tob